

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CURTIS D. BROWN,

Plaintiff,

vs.

PFIZER INC., et al.,

Defendants.

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4:06cv3172

MEMORANDUM AND ORDER

This matter is before the court on filing no. 4, the defendants' Motion to Dismiss. The plaintiff, a state prisoner avowedly addicted to methamphetamine, filed this action in the District Court of Douglas County, Nebraska. The plaintiff seeks damages from the defendant on theories of product liability, failure to warn and negligence. Because of the plaintiff's methamphetamine addiction, the plaintiff had a history of extracting and ingesting an ingredient in the defendant's cold remedy product, Sudafed.

The defendants removed the action to this court and now move to dismiss the complaint, among other reasons, because the complaint fails to state a claim upon which relief may be granted; the claims are barred by the applicable statute of limitations; and to shift the responsibility to the defendants for the plaintiff's criminal conduct would violate public policy. The plaintiff has not responded to the motion.

Not having heard from the plaintiff, the defendants' arguments seem reasonable. However, the plaintiff shall have until October 20, 2006 to respond to the defendants' Motion to Dismiss. In the absence of a timely and sufficient response, filing no. 4, the defendants' Motion to Dismiss, will be granted.

SO ORDERED.

October 2, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge